

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, California**

**RESOLUTION NO. R3-2008-0071
October 17, 2008**

**City of Lompoc Storm Water Management Program
Santa Barbara County**

The Regional Water Quality Control Board, Central Coast Region ("Water Board" or "Central Coast Water Board") finds:

1. On December 8, 1999, the U.S. Environmental Protection Agency ("EPA") promulgated regulations under authority of the Clean Water Act ("CWA") Section 402(p)(6). These regulations require NPDES storm water permits for operators of small municipal separate storm sewer systems ("Small MS4s") that discharge to waters of the U.S.
2. On April 30, 2003, the State Water Resources Control Board ("State Water Board") adopted Order No. 2003-0005 DWQ (NPDES Permit No. CAS000004) Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems ("General Permit").
3. The General Permit requires regulated Small MS4s to develop a storm water management program ("SWMP") designed to reduce pollutant discharge to the maximum extent practicable ("MEP") and to protect water quality. The SWMP must contain Best Management Practices ("BMPs") that address six Minimum Control Measures. SWMPs must incorporate measurable goals and implementation time schedules, and must be available for public review and comment and are subject to a public hearing if requested prior to approval. Upon approval of a SWMP by the appropriate regional water quality control board or its Executive Officer, permit applicants obtain coverage under the General Permit.
4. The State Water Board found, and the Central Coast Water Board concurs, that implementing storm water quality programs that address the six Minimum Control Measures in previously unregulated areas will decrease the pollutant loading to the receiving waters and improve water quality.
5. The State Water Board found the General Permit to be consistent with the anti-degradation policies of 40 CFR Section 131.12, SWRCB Resolution 68-16, and the Central Coast Water Board's Basin Plan.
6. This action to approve the City of Lompoc SWMP is exempt from the California Environmental Quality Act pursuant to Water Code Section 13389.

7. The City of Lompoc evaluated local water quality, BMP applicability, expected BMP effectiveness, and technical and economic feasibility in developing the SWMP. Specific BMPs were identified from community input, review of other programs, and evaluation of various BMP manuals and lists.
8. The City of Lompoc submitted a SWMP and Notice of Intent to comply with the General Permit on March 7, 2003. In response to Water Board staff review and comments, the City prepared five revised SWMPs.
9. Following public notice in accordance with State and federal laws and regulations, the Water Board, in a public hearing on October 17, 2008, heard and considered all comments on the SWMP.
10. The Water Board finds that the SWMP, as revised as set forth in this Resolution, is expected to reduce the discharge of pollutants consistent with the MEP standard established in the General Permit for these reasons: 1) The SWMP meets and/or exceeds the Phase II General Permit requirements for all six Minimum Control Measures; 2) The chosen BMPs address both the research-based urban pollutants, and the locally-documented pollutants of concern; 3) the SWMP employs all applicable BMPs except those that are not technically feasible in the locality, or whose cost would exceed the benefit to be derived, or where other selected BMPs achieve the same water quality protection or serve the same purpose, or where the cost of the BMPs would be prohibitive; and 4) the five-year program prescribed by the SWMP provides a logical progression of BMP implementation to meet a full program realization within the permit term.
11. Section 402(p)(3)(B)(iii) of the Clean Water Act requires controls that reduce pollutants to MEP, and "such other provisions as the Administrator or the State determines appropriate for the control of such pollutants." The General Permit requires permittees to develop a SWMP designed to reduce the discharge of pollutants to MEP and to protect water quality. (General Permit Finding 14, page 3 and Provision D, pg.8.)
12. The General Permit allows permittees five years from the date of SWMP approval to fully implement the SWMP.
13. The SWMP requires the City of Lompoc to develop and implement programs and ordinances within five years to achieve MEP. The specific provisions of some of these programs will be developed after SWMP approval, and will be subject to public review. The General Permit allows the Executive Officer to require changes to the SWMP (including the ordinances and other program details) as necessary to meet the MEP standard, and to require additional monitoring and reporting.
14. Some of the SWMP elements that the City will develop during the permit term are ordinances regulating illicit discharges, construction and post-construction; and inspection programs.

THEREFORE, BE IT RESOLVED THAT:

1. The Central Coast Water Board hereby approves the City of Lompoc Storm Water Management Plan, subject to Paragraph 2. Coverage under the General Permit commences on the date this Resolution is adopted.
2. Pursuant to Section G of the General Permit, the City of Lompoc is required to amend the SWMP no later than February 28, 2009, to include the revisions in **ATTACHED TABLE OF REQUIRED REVISIONS** following provisions. Failure to make these revisions may subject the City of Lompoc to enforcement action.
3. The City of Lompoc shall provide a copy of the revised SWMP to the Water Board no later than February 28, 2009, pursuant to Water Code Section 13383.

Any person affected by this action may petition the State Water Board to review the action in accordance with section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The State Board must receive the petition within 30 days of the date of this Resolution. Copies of the law and regulations applicable to filing petitions will be provided upon request.

I, Roger W. Briggs, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Coast Region, on October 17, 2008.

Roger W. Briggs, Executive Officer

Board Resolution No. R3-2008-0071

**TABLE of REQUIRED REVISIONS to
City of Lompoc SWMP September 2008 – September 2013**

Acronyms:

BMP	- Best Management Practice
MG	- Measurable Goal
SWMP	- Storm Water Management Plan

Item Number	SWMP Section	Subject	Problem	Required Revisions
1	Section 1.3	Pollutants of Concern (POCs)	The General Permit states that POCs found in urban runoff include sediments, non-sediment solids, nutrients, pathogens, oxygen-demanding substances, petroleum hydrocarbons, heavy metals, floatables, polycyclic aromatic hydrocarbons (PAHs), trash, and pesticides and herbicides. Though Lompoc has a full suite of land uses that are typically the sources of these pollutants, the SWMP identifies only sediment, oil and grease, and trash and floatables as POCs.	Revise the SWMP to include a list of potential pollutants based on land use activities in the City. Identify the BMPs that address the pollutants. (See Santa Maria SWMP and City of Goleta draft SWMP for examples).
2	BMP 3.3.3 MG 3.4.3	Education in Schools	The City's commitment to the goals of education and awareness is unclear without: <ul style="list-style-type: none"> - Descriptions or examples of materials the City will use in schools. - The percentage of school-aged children and grade level of students that will be targeted for education. - Consistent description of what the 	Clarify BMP and MG with the following: <ul style="list-style-type: none"> - Examples of types of materials to be provided (e.g., coloring book, flyer, toy). - Number of targeted students expressed as a percentage of total student population in Lompoc, and grade level of students targeted. - Define "education program" and use it consistently in text and table.

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			BMP is (e.g. “program” and “material” used interchangeably).	
3	BMP 3.3.12 MG 3.4.12	Business and Industrial Informational Consultations	The City’s commitment to focusing on identified pollutants such as winery facility wash-off and trash is unclear. It is also unclear whether the City will conduct informational consultations if not requested by businesses.	<ul style="list-style-type: none"> - Revise the BMP to indicate the following: - City’s annual commitment to conduct requested consultations for years 1 to 5, - Commitment to conduct a minimum of 5 consultations whether or not requested by businesses, - Commitment to prioritize and conduct consultations with businesses and industries that are known or suspected sources of POCs, - The method the City will use to identify enterprises that are suspected sources of POCs.
4	Section 3.0 Public Education	Community-based Social Marketing	<p>The Public Education and Outreach BMPs rely heavily on information campaigns that utilize education and advertising to encourage behavior change. While these efforts can be effective in creating public awareness and in changing attitudes, numerous studies show that behavior change rarely occurs as a result of simply providing information.</p> <p>One particularly promising approach to public education is community-based social marketing. Community-based social marketing is based upon research in the social sciences that demonstrates that behavior change is most effectively achieved through initiatives delivered at the community</p>	Include a BMP that commits to assessing community-based social marketing strategies, and incorporating them into your program where appropriate, by Year 3.

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			level which focus on removing barriers to an activity while simultaneously enhancing the activities benefits.	
5	Section 4.2.2	Non-Storm Water Discharges Exempt under General Permit	This section does not provide adequate detail (no BMPs or MGs included) for the City's proposed evaluation of exempt non-storm water discharges to determine if they have the potential to be significant sources of pollutants.	Add BMPs and MGs, including a schedule for the evaluation of non-stormwater discharges identified as exempt under the General Permit. (See City of Santa Barbara's SWMP pg. 47 for example)
6	BMP 4.3.3	Master Storm Drain Map	Maps included in Appendices A, C and H contain information that would be better integrated into a single map identifying City boundaries, stormdrain outfalls to surface waters, and agency responsible for operation and maintenance of stormdrain facilities.	Amend the BMP to include, as part of map updates, labeling of facilities owned and maintained by the City and the County within City limits. Also depict the segment of Miguelito Channel between the City boundary and its outfall to Santa Ynez River for completeness.
7	BMP 4.3.5 MG 4.4.5	Surveys for detecting illicit discharges	Deferring surveys for illicit discharge detection until Year 3 of the permit cycle is inappropriate in a City where such discharges are known to occur.	Amend BMP and MG to conduct surveys beginning in the first year of program implementation.
8	BMP 4.3.9 MG 4.4.9	Public Information on Illicit Stormwater Discharges	The BMP and MG are unclear regarding the three methods for providing education about illicit discharges. The BMP does not indicate the target audiences (i.e. business, general public) comprising the proposed 200 contacts per year.	Amend BMP and MG to include the following: - Target number of contacts among general public, City employee, and business audiences, - Total number of businesses to be contacted annually, - Percentage of businesses contacted annually, Specific methods for providing education
9	Section 4	Business and Industry Inspections	The City must ensure that all commercial and industrial uses within the City's jurisdiction will be inspected on a periodic basis. The SWMP	Add a BMP to develop and implement an inspection program to address illicit discharges from business and industry, including:

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			indicates the City will only inspect the commercial and industrial uses that contribute to the City's Wastewater Reclamation Plant.	<ul style="list-style-type: none"> - Develop a method for identifying and prioritizing businesses with a high potential for illicit discharge and connection, - Conduct routine field investigations and abatement efforts, - Establish a schedule for inspections, - Track inspections, follow-up efforts, and enforcement actions.
10	BMP 4.3.11 MG 4.4.11	Miguelito Creek Cleanup	The SWMP is not clear on the schedule for implementation of this BMP. The City should address the identified accumulation of trash and indicate how it will address future accumulations there.	Amend the BMP to indicate earlier completion of the trash removal and a commitment to inspect and cleanup this area on a regular basis.
11		City Jurisdiction/Control over Entities and Facilities Discharging to City Stormdrains	The SWMP identifies industrial facilities along the railroad tracks; mobile home parks; a public utility; railroad properties; and County facilities and flood control basins, channels and stormdrains within the City limits, as facilities over which the City has no control (pp. 10, 15). By virtue of owning the MS4, the City provides a stormwater utility service to these entities and it must ensure that they discharge only clean stormwater to the MS4. Where these facilities discharge waste illegally into the City's stormdrain system, the City must address them in the SWMP.	Acknowledge the City's role in ensuring these entities/facilities are not discharging polluted stormwater to the City's MS4. Provide additional BMPs and MGs indicating how the City will promote clean stormwater discharges from facilities that discharge to the City MS4, and over which the City has limited control, including: railroad tracks; mobile home parks; utility facilities; railroad properties; and County facilities. BMPs could include: monitoring of outfalls from facilities, agreements with agencies (e.g., County, California Department of Transportation, U.S. Postal Service), education and outreach to facility owners (e.g., railroad, auto dismantlers, mobile home parks), or terminating dischargers' connections to the City's MS4.
12	BMP 5.3.1 MG 5.4.1	Street Sweeping	The effectiveness measurement for sweeping fails to measure pollutant load reduction.	Amend MG to include more appropriate measure of BMP effectiveness (e.g., pounds of sweepings per year).

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13	Section 5	SWMP Coverage of City-owned Facilities	The City's commitment to address City-owned facilities covered under the Industrial General Permit is unclear.	The City must commit to inspecting and evaluating these individual programs annually. Provide a BMP or MG in the SWMP that ensures that inspections will be conducted annually, or at a frequency determined by prioritizing facility inspections according to threat to stormwater quality.
14	BMP 5.3.5 MG 5.4.5	City Landfill	The City's commitment to prepare a plan and schedule for modifying the Landfill's detention basin by Year 3 is an unnecessary delay.	Amend the BMP and MG to prepare the plan and schedule for modifying the detention basin by Year 2, and to implementing the plan no later than Year 3.
15	BMP 6.4.2 MG 6.5.2	Construction site inspections	MGs fail to provide information to evaluate effectiveness of review procedures, inspections, and City follow-up actions based on inspections (e.g. enforcement).	Develop, by Year 2, MGs to track site information, including: owner, contractor, start and completion dates, size in acres, inspection dates, findings from inspections, complaints received and City's response to inform effectiveness of review, inspection and follow-up procedures.
16	BMPs 7.4.9 – 7.4.11	Hydromodification Control/Low Impact Development	The Draft hydromodification control standards are not supported by technical findings. Any proposed control standards, including numeric criteria for volume and rate control, will require a review by Water Board staff based on technical findings to determine the standards' adequacy. The City has 12 months from the date of their enrollment under the General Permit to develop and adopt interim hydromodification control standards with Water Board approval. Inclusion of the draft standards in the SWMP is not appropriate at this time.	Remove the BMPs and replace with a BMP stating the following or equivalent: Within one year of enrollment under the General Permit, the City will have adequate development review and permitting procedures to impose conditions of approval, or other enforceable mechanisms, to implement quantifiable measures (numeric criteria) for hydromodification control.
17	Section 7.0	Interim	The SWMP does not include a	Revise the SWMP to include a schedule for

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	New and Re-Development	Hydromodification Criteria	schedule or approach to develop criteria.	developing the interim hydromodification criteria, including a period of no less than three (3) weeks to allow for Water Board staff's review of the proposed criteria relative to the interim criteria stated in the Executive Officer's February 15, 2008 and July 10, 2008 letter; any interim hydromodification criteria (numeric and non-numeric), whether proposed by the City of Lompoc or the Regional Water Quality Control Board, should take into account the ability to maximize infiltration of clean storm water, minimize runoff volume and rate, serve as a useful quantifiable measure of healthy watersheds, and for consistency with the intended goals of the Water Board including, but not limited to, healthier and more sustainable watersheds by 2025.
18		Hydromodification Management Plan	The SWMP does not describe the process to develop the City's Hydromodification Management Plan.	<p>Add a BMP stating how and when the City will develop long-term hydromodification criteria and control measures based on an assessment of the impacts of urbanization on the watershed and that determines the effectiveness of those control measures. An adequate technical assessment would consider the following:</p> <ul style="list-style-type: none"> - Hydrograph modification (volume, duration, and rate); - A wide range of flow events (e.g., 1- to 10-year return period) and/or continuous flow modeling; - Limits on imperviousness; - Evaluation of downstream affects (stream stability); - Estimate buffer zone requirements; and

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				<ul style="list-style-type: none"> - Estimate water quality impacts. <p>The assessment should result in:</p> <ul style="list-style-type: none"> - Numeric criteria for runoff rate and volume control for development and redevelopment projects; - Numeric criteria for stream stability impacts for development and redevelopment projects; - Identification of areas within the City where these criteria must be met; - Specific performance and monitoring criteria for installed hydromodification control infrastructure; - Riparian buffer zone requirements; and - Appropriate hydromodification controls measures such as LID concepts, on-site hydrologic and water quality controls, in-stream controls, and/or regional facilities to meet future development conditions.
19		Project Design Approval	The City's review process for new and re-development projects is described briefly on p. 53 of the SWMP. The description lacks adequate detail to know whether the process could conclude without evaluation of specific stormwater management BMPs proposed.	<p>Modify the section in the BMP that describes the City's development project review/approval process for completeness and to be consistent with the following or add a BMP equivalent to the following:</p> <p>The City will insure that applications are only deemed complete if they include appropriate post-construction BMP selection, sizing, and siting.</p>
20		Long-Term Watershed Protection	The City must commit to providing long-term watershed protection. The City must provide examples of its efforts to protect watersheds through land use policies, plans, ordinances,	<p>Include a BMP stating how and when the City will 1) develop quantifiable measures that indicate how the City's watershed protection efforts achieve desired watershed conditions; 2) evaluate existing watershed protection</p>

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			guidance manuals, development project review procedures, and BMPs, and provide detail and evidence that these will achieve desired watershed conditions.	efforts, including: land use policies, plans, ordinances, guidance manuals, development project review procedures, and BMPs; and 3) adapt or change the existing efforts if warranted.